

**SENATE JOURNAL**  
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**IDAHO LEGISLATURE**

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FIFTY-SEVENTH LEGISLATURE

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**SEVENTY-FIRST LEGISLATIVE DAY**  
**MONDAY, MARCH 17, 2003**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Davis, Marley, and Sorensen, absent and formally excused by the Chair; and Senators Brandt, Burkett, Kennedy, Malepeai, McWilliams, Noble, Stennett, and Werk, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Stephanie Soltzak, Page.

The Senate advanced to the Third Order of Business.

**Reading and Correction of the Journal**

Senators Brandt, Burkett, Malepeai, McWilliams, Noble, Stennett, and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 14, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

Senator Kennedy was recorded present at this order of business.

March 17, 2003

The JUDICIARY AND RULES Committee reports that **S 1166** has been correctly printed.

DARRINGTON, Chairman

**S 1166** was referred to the Finance Committee.

March 14, 2003

The JUDICIARY AND RULES Committee reports that **S 1042** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1042** and ordered it transmitted to the House for the signature of the Speaker.

March 14, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1133** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1133** was referred to the Fourteenth Order of Business, General Calendar.

March 14, 2003

The HEALTH AND WELFARE Committee reports out **H 203**, **H 213**, **H 237**, and **H 238**, as amended, with the recommendation that they do pass.

BRANDT, Chairman

**H 203**, **H 213**, **H 237**, and **H 238**, as amended, were filed for second reading.

March 14, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 125**, as amended, and **H 211**, as amended, with the recommendation that they do pass.

NOH, Chairman

**H 125**, as amended, and **H 211**, as amended, were filed for second reading.

March 17, 2003

The FINANCE Committee reports out **S 1166** with the recommendation that it do pass.

CAMERON, Chairman

**S 1166** was filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 14, 2003

Mr. President:

I transmit herewith **H 360, H 321, H 228, and H 262**, and I return herewith **S 1078, S 1068, S 1061, and S 1067**, which have passed the House.

JUKER, Chief Clerk

**H 360, H 321, H 228, and H 262** were filed for first reading.

**S 1078, S 1068, S 1061, and S 1067** were referred to the Judiciary and Rules Committee for enrolling.

March 14, 2003

Mr. President:

I transmit herewith Enrolled **H 246, H 19, and H 105** for the signature of the President, and I return herewith Enrolled **S 1004, S 1005, S 1006, S 1007, S 1008, S 1019, S 1041, and H 1056**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 246, H 19, and H 105** and ordered them returned to the House.

Enrolled **S 1004, S 1005, S 1006, S 1007, S 1008, S 1019, S 1041, and H 1056** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

**Motions and Resolutions**

The President announced that **HJM 4**, having been held, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Darrington, seconded by Senator Calabretta, **HJM 4** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Andreason, granted by unanimous consent, **SCR 113** was recommitted to the Commerce and Human Resources Committee.

The President announced that **HCR 25** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brandt, seconded by Senator Stegner, **HCR 25** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials****S 1167****BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO STATE BUILDINGS; AMENDING SECTION 39-4103, IDAHO CODE, TO PROVIDE THAT ALL BUILDINGS AND OTHER FACILITIES OWNED BY ANY STATE GOVERNMENT AGENCY OR ENTITY, INCLUDING THOSE OWNED, CONSTRUCTED, OR FINANCED BY THE IDAHO STATE BUILDING AUTHORITY, SHALL CONFORM TO THE CODES ADOPTED IN THE IDAHO BUILDING CODE ACT, THE STATE FIRE MARSHAL ACT AND TO CODES FOR PLUMBING AND ELECTRICAL WORK, AND SHALL BE SUBJECT TO THE JURISDICTION OF THE STATE DIVISION OF BUILDING SAFETY AND THE STATE FIRE MARSHAL FOR PURPOSES OF ALL PLAN REVIEWS, PERMITTING AND INSPECTIONS, TO PROVIDE DUTIES OF THE DIVISION OF BUILDING SAFETY AND THE STATE FIRE MARSHAL, TO PROVIDE FOR CODES AND STANDARDS FOR BUILDINGS AND OTHER FACILITIES WHICH ARE CONSTRUCTED OR RENOVATED SPECIFICALLY FOR USE OR OCCUPANCY BY ANY STATE AGENCY OR ENTITY AND TO PROVIDE APPLICATION TO LOCAL GOVERNMENTS REGARDING ISSUANCE OF CERTAIN BUILDING CODE AND PERMITTING ACTIVITIES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1167** was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 360**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 321**, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 228**, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 262**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 332, H 340, H 341, H 342, H 343, H 344, and H 345**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 12 and H 26**, by Mr. Speaker, were read the second time at length and filed for third reading.

**H 303**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 307, H 308, and H 309**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Stegner, granted by unanimous consent, **S 1084** retained its place on the Third Reading Calendar.

On request by Senator Noble, granted by unanimous consent, **H 177** was re-referred to the Local Government and Taxation Committee.

**H 71**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES-- Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Burkett, Cameron, Davis, Marley, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 71**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 276** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Lodge and Gannon arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Burkett, Cameron, Davis, Marley, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 276** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 328** retained its place on the Third Reading Calendar for Wednesday, March 19, 2003.

**H 263** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Burkett, Cameron, Davis, Marley, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 263** passed, title was approved, and the bill ordered returned to the House.

**H 102** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Burkett, Cameron, Davis, Marley, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 102** passed, title was approved, and the bill ordered returned to the House.

**H 298** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noble arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Calabretta. Total - 1.

Absent and excused--Burkett, Cameron, Davis, Marley, Sorensen. Total - 5.

Total - 35.

Whereupon the President declared **H 298** passed, title was approved, and the bill ordered returned to the House.

**H 330** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Cameron, Davis, Marley, Sorensen. Total - 4.

Total - 35.

Whereupon the President declared **H 330** passed, title was approved, and the bill ordered returned to the House.

**H 171** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Sorensen. Total - 3.

Total - 35.

Whereupon the President declared **H 171** passed, title was approved, and the bill ordered returned to the House.

**H 291** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Sorensen. Total - 3.

Total - 35.

Whereupon the President declared **H 291** passed, title was approved, and the bill ordered returned to the House.

**H 67** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Sorensen. Total - 3.

Total - 35.

Whereupon the President declared **H 67** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Compton, granted by unanimous consent, **H 11** retained its place on the Third Reading Calendar for Friday, March 21, 2003.

On request by Senator Stegner, granted by unanimous consent, **H 206**, as amended, retained its place on the Third Reading Calendar for Wednesday, March 19, 2003.

**S 1084**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Davis, Marley, Sorensen. Total - 3.

Total - 35.

Whereupon the President declared **S 1084** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **H 174**, as amended, **S 1136**, and **H 110**, as amended, without recommendation, amended as follows:

#### SENATE AMENDMENT TO H 174, AS AMENDED

##### AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 17 and 18 and insert: "skier. Except when dropping off a skier at or near a dock all efforts shall be made".

#### SENATE AMENDMENT TO S 1136

##### AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 31, following "modify" insert: "by reducing the member's".

#### CORRECTION TO TITLE

On page 1, in line 6, following "IFY" insert: "BY REDUCING THE MEMBER'S".

#### SENATE AMENDMENT TO H 110, As Amended

##### AMENDMENTS TO SECTION 1

On page 1 of the engrossed bill, in line 26, following "commission." insert: "The terms of the members shall be three (3) years with the initial term to be staggered in terms of one (1), two (2) and three (3) years by the governor when he makes the appointment."; in line 40 following "quality," insert: "the department of fish and game, the department of lands,".

On page 2, in line 14, delete "shall" and insert: "may"; and in line 16, delete "are perpetually appropriated and".

The Committee also has **H 52**, **S 1090**, **H 150**, **H 64**, as amended, **H 9**, as amended, and **S 1133** under consideration, reports progress, and begs leave to sit again

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

**S 1136**, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

**H 174**, as amended, as amended in the Senate, and **H 110**, as amended, as amended in the Senate, were filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:30 a.m. until the hour of 10 a.m., Wednesday, March 19, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary